

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: : Case No.: 19-22899-GLT
: Chapter: 13
William E. Anderson :
:
:
:
Debtor(s). : Date: 6/3/2020
Time: 10:00

PROCEEDING MEMO

MATTER: #34 - Motion for Relief from Stay Filed by Wilmington Savings
Fund Society
#39 - Response filed by Debtor
#40 - Motion to Continue Hearing-DENIED

APPEARANCES:

Debtor: Daniel R. White
Trustee: Owen Katz
Wilmington: James Warmbrodt

NOTES: (10:18)

Court: Parties did file a motion to continue on Monday, but I denied it because looking at the big picture - the debtor filed an amended plan on April 28 which extends the plan term to 72 months and provides for a new monthly payment. There were no plan objections.

Warmbrodt: In April, records showed post-petition payments were due from last August to now. Our records were showing a delinquency of \$6,428.30. Looking at the trustee's website, there was no payment in May. The trustee's website shows principal due of \$6,511. The total debt was \$90,000.

White: We did file an amended plan. This was a trustee default. This is a debtor involved in the construction industry, which was reduced in the winter months and because of COVID. He has returned to work, and a payment was made at the end of May. I expect wage attachments would be possible going forward. We've taken advantage of the CARES Act to stretch the plan out. It's a young case and we have time to get the case back on track.

Court: What is the status of these additional payments?

White: I'm expecting one-half of the payment was made at the end of May, with the other half paid in June, together with the full June payment.

Katz: Our calculation is that the monthly plan payment would need to be \$1,917 to complete a 72 month plan. \$1,810 would work if it's a 79 month plan.

Court: Because there is no objection to the plan, I wanted to see if I could preempt the conciliation conference.

Katz: The trustee would be prepared to recommend confirmation, with some additional language in the confirmation order.

Court: Attny White, is that agreeable to you?

White: I would take the longer plan term. The debtor reflected that his income is reduced, and he doesn't anticipate going back to the higher overtime he had last year.

Court: We will add the language of 79 months at \$1,810/month. Is there anything else the trustee wishes to add?

Katz: Yes, two items: 1, We would like claim 4 to govern, and all notices of payment change filed of record to be recognized; and 2, The plan proposes 100% to creditors, and by our calculation the amount of the unsecured pot needs to be increased to \$2,572.99.

Court: Any objection to that, Attny White?

White: I will trust the trustee's numbers.

Court: Very well, I will confirm the plan on those terms. Returning the motion at hand the lack of any payment in May is a concern. I will continue the motion as originally requested, pending receipt of additional monthly payments.

OUTCOME:

1. Motion for Relief from Stay Filed by Wilmington Savings Fund Society [Dkt. No. 34] is CONTINUED to July 15, 2020 at 10:30 a.m. [Text Order to Issue]

2. Amended Chapter 13 Plan Dated April 28, 2020 is [Dkt. No. 33] CONFIRMED subject to the following: 1. The plan payment shall be \$1,810/month for a plan term of 79 months; 2. Wilmington Savings Fund Society Claim No. 4 shall govern, and all pending notices of mortgage payment change to be recognized and incorporated into the plan obligations; 3. As a 100% plan to general unsecured creditors, the minimum available for distribution shall be \$2,572.99 to mirror the allowed claims of record. [DB to Issue]

DATED: 6/3/2020